

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

MICHAEL SORRELL,

Plaintiff,

v.

CIVIL ACTION NO. 3:22-0451

BRAD DOUGLAS,
Acting Commissioner Department of
Corrections and Rehabilitation,
DOE 1, Wexford Mental Health, and
DOE 2, Wexford Mental Health, in his
official capacity of all defendants, individual
capacity of all defendants,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Court deny Plaintiff's application to proceed *in forma pauperis*, as moot (ECF No. 5); dismiss the complaint (ECF No. 1); deny Plaintiff's motion for preliminary injunction and restraining order (ECF No. 2); and remove this matter from the docket of the Court. No objections to the Magistrate Judge's findings and recommendations have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and Court **DENIES** Plaintiff's application to proceed *in forma pauperis*, as moot (ECF No. 5); **DISMISSES** the complaint (ECF No. 1); **DENIES** Plaintiff's motion for

preliminary injunction and restraining order (ECF No. 2); and **REMOVES** this matter from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: December 22, 2022

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE